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Montgomery County Government

ROCKVILLE, MARYLAND 20850

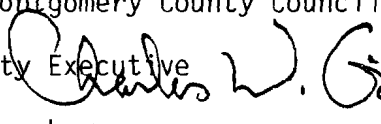
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MEMORANDUM

October 22, 1981

TO: Ruth Spector, President, Montgomery County Council

FROM: Charles W. Gilchrist, County Executive 

SUBJECT: Police Collective Bargaining Law

As you know, in November, 1980, the voters of Montgomery County approved a Charter Amendment providing for the establishment of a collective bargaining law for police officers. Consistent with this requirement, special counsel was retained to assist in the drafting of a police collective bargaining law. During the period in which the draft legislation was developed, meetings were held with Council members, the Fraternal Order of Police, and my staff to determine the appropriate framework for the legislation.

I believe that the attached legislation represents a fair and responsible approach to the conduct of police collective bargaining in the County government and I am pleased to present it to you for your consideration. At some point in your work on this bill, I will have further comment on possible amendments.

In compliance with your rules of procedure the following submissions are made.

1. Description - This legislation provides the framework for the conduct of collective bargaining between the County government and police officers in specified classifications. Specifically, the legislation includes the establishment of a permanent umpire to implement certain provisions of the law; certification procedures for employee organizations; subjects appropriate and inappropriate for bargaining; impasse procedures; prohibited practices; provisions prohibiting strikes and lockouts; use of official working time of employees and the effect of prior enactments.

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2. Problem: Section 510 of the County Charter requires the County Council to enact legislation to implement collective bargaining for police officers.
3. Goals & Objectives - The proposed legislation is intended to promote a harmonious, peaceful, and cooperative relationship between the County government and police officers. This will be accomplished by providing for timely negotiations on subjects appropriate for bargaining and the resolution of negotiation impasses through procedures established by law.
4. Coordination - Employees covered by the proposed legislation will be excluded from coverage under Chapter 33, Article IV, title Employer/Employee Relations, the County's Meet and Confer Law. Employees covered by this legislation will also be excluded from coverage under Section 33-74, title Cost of Living Adjustment; so that salaries and other economic items are determined by the collective bargaining process.
5. Fiscal Impact - The adoption of this legislation will have a direct impact on the FY83 operating budget because it will require funding for a Permanent Umpire, an Impasse Neutral and costs related to their duties as required by the law. More specifically, these costs are estimated as follows:

Permanent Umpire	\$5,000
Impasse Neutral	\$4,000
	<u>\$9,000</u>

These monies are to be appropriated in the FY83 Personnel Office Operating Budget, and funded from the County general fund.

6. Economic Impact - No specific economic impact is predicted.
7. Evaluation
 - a. The effectiveness of the law will be evaluated by reviewing the procedural components of the law which are designed to facilitate negotiation of an agreement in a timely and cooperative manner. The procedural components evaluated in this process will include; the certification procedures, time frame for negotiations, impasse procedures, and employer/employee prohibitions.

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- b. The Personnel Office will be responsible for the evaluation with comment from the affected employee organization.
 - c. The evaluation will take place after the first full cycle of negotiations.
8. Experience Elsewhere - A review of collective bargaining laws in existence for police employees in other jurisdictions has been made. Many of the definitions and concepts included in this proposed law are taken from an established legislative history in both the private and public sector.

No two bargaining laws in the public sector are identical. This law incorporates those bargaining concepts which have proven successful in other jurisdictions and are conducive to the unique bargaining environment of Montgomery County Government.

9. Source of Information - The following individuals are available as resource persons regarding any questions you may have about this legislation:

Robert Hillman, Special Counsel
Clinton Hilliard, Personnel Director
Paul McGuckian, County Attorney

CWW:jey

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